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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	CASE NO. 16-MJ-71579 MAG
)	
14 Plaintiff,)	
)	STIPULATION AND PROPOSED ORDER
15 v.)	CONTINUING PRELIMINARY HEARING AND
)	STATUS CONFERENCE, EXTENDING TIME
16 NOEL GONZALEZ,)	UNDER RULE 5.1, AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
17 Defendant.)	
)	

18
19 The United States of America, through Andrew F. Dawson, Assistant United States Attorney,
20 and the defendant, Noel Gonzalez, through his counsel, hereby stipulate to a continuance of the
21 preliminary hearing or arraignment date in this case from May 19, 2017 to June 30, 2017, at 9:30 a.m.
22 before the Duty Magistrate. The defendant agrees that good cause exists to extend the time limits of
23 Rule 5.1(c) to June 30, 2017. The parties also agree that time is appropriately excluded under 18 U.S.C.
24 § 3161, the Speedy Trial Act, between May 19, 2017 and June 30, 2017.

25 The parties agree that good cause exists, taking into account the public interest in the prompt
26 disposition of criminal cases, to extend the time for the preliminary hearing to May 19, 2017. Defense
27 counsel has a medical procedure scheduled for May 19, 2017, and that procedure will be followed by
28

1 regular daily treatments in subsequent weeks. A continuance to June 30, 2017 will provide for
2 continuity of defense counsel and will allow the parties to continue to discuss a potential resolution.

3 The parties also agree that an exclusion of time is appropriate under the Speedy Trial Act
4 between May 19, 2017 and June 30, 2017 for purposes of the effective preparation of counsel, continuity
5 of counsel, and to permit counsel to conduct an investigation and consult with the defendant. In
6 addition, the defendant agrees to exclude for this period of time any time limits applicable under 18
7 U.S.C. § 3161. The parties also agree that the ends of justice served by granting such a continuance
8 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

9 Respectfully submitted,

10 BRIAN J. STRETCH
11 United States Attorney

12 Dated: May 5, 2017

13 /s/
ANDREW F. DAWSON
Assistant United States Attorney

14 Dated: May 5, 2017

15 /s/
JESSE GARCIA
Attorney for NOEL GONZALEZ

1 **~~[PROPOSED]~~ ORDER**

2 Based upon the representation of counsel and for good cause shown, the Court finds that good
3 cause exists, taking into account the public interest in the prompt disposition of criminal cases, for
4 extending time under Rule 5.1 for a preliminary hearing to June 30, 2017. The Court further finds that
5 good cause exists for a continuance of the preliminary hearing date to June 30, 2017. The Court finds
6 that failing to exclude the time between May 19, 2017 and June 30, 2017 would unreasonably deny the
7 defendant and counsel the reasonable time necessary for effective preparation, taking into account the
8 exercise of due diligence, and that exclusion of time will provide for continuity of defense counsel. The
9 Court further finds that the ends of justice served by excluding the time between May 19, 2017 and June
10 30, 2017 from computation under the Speedy Trial Act outweigh the best interests of the public and the
11 defendant in a speedy trial.


12 Therefore, IT IS HEREBY ORDERED that:

13 (1) The preliminary hearing or arraignment date are continued to June 30, 2017, at 9:30 a.m.
14 before the Duty Magistrate; and

15 (2) Good cause exists to extend the time for the preliminary hearing under Rule 5.1 to June
16 30, 2017; and

17 (3) The time between May 19, 2017 and June 30, 2017 shall be excluded from computation
18 of any time limits under the Speedy Trial Act.

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20
21 DATED: 5/5/17


HON. KANDIS A. WESTMORE
United States Magistrate Judge